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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,276	08/22/2000	Kiyonobu Kojima	SONY-U0059	8667
22850	7590	04/14/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			DUONG, OANH L	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/643,276

Applicant(s)

KOJIMA ET AL.

Examiner

Oanh L. Duong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-18 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2, 4-5, 7-8, 10-11, 13-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirai et al (Shirai) (US 2001/0042093 A1) in view of Brais et al. (Brais) (US 5,995,936).

Regarding claim 1, Shirai teaches information transmission apparatus (Fig. 3) comprising:

a file select means for selecting a file (page 1 paragraph 6); and

transmission information creation means for creating transmission information for transmitting information of a predetermined file selected by said file select means to a predetermined partner, wherein said transmission information is created when said predetermined file is selected in a batch operation when said predetermined operation is executed (e.g., see page 4 paragraph 76 and page 6 paragraph 116).

Shirai does not explicitly teach a camera control means, a microphone, a generating means and a memory means as claimed.

Brais teaches:

a camera for taking a picture (col. 12 lines 31-53);

a camera control means for controlling said camera to take picture when a first predetermined operation for changing from a first state to a second state is executed (col. 12 lines 41-50);

a microphone configured to recognize a voice (col. 10 lines 39-41);

a generating means for generating at least one of words or sentences corresponding to the recognized voice when said first predetermined operation is in said second state (col. 9 lines 18-30);

a memory means for storing said picture and said at least one of words or sentences as a file of said picture (col. 5 lines 28-29 and 65-67), said at least one of words or sentences being stored at a predetermined position in the file of said picture (col. 6 lines 3-5, and col. 11 lines 15-35 and lines 42-44 and col. 13 lines 8-34).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the a camera control means, a microphone, a generating means and a memory means of Brais in the information transmission system of Shirai because such means would enable voice information and image information to be automatically assembled into a file, thereby increasing the system flexibility (Brais, col. 5 lines 17-20).

Regarding claim 2, Shirai-Brais teaches transmission information is an electronic mail (e.g., Shirai, page 2 paragraph 23).

Regarding claim 4, a method of claim 4 has a corresponding apparatus of claim 1; therefore, claim 4 is rejected under the same rationale as applied to claim 1.

Regarding claim 5, Shirai-Brais teaches transmission information is an electronic mail (e.g., Shirai, page 2 paragraph 23).

Regarding claim 7, a program storage medium for storing a program to be executed by an information transmission apparatus of claim 7 has a correspondent apparatus of claim 1; therefore, claim 7 is rejected under the same rationale as applied to claim 1.

Regarding claim 8, Shirai-Brais teaches transmission information is an electronic mail (e.g., Shirai, page 2 paragraph 23).

Regarding claim 10, Shirai teaches a transmission apparatus (Fig. 3) comprising:

a file select means for selecting a file (page 1 paragraph 6); and

transmission information creation means for creating transmission information for transmitting information of a predetermined file selected by said file select means to a

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predetermined partner, wherein said transmission information is created when said predetermined file is selected in a batch operation when said predetermined operation is executed (e.g., see page 6 paragraph 116).

Shirai does not explicitly teach a camera control means, a microphone, a generating means and a memory means as claimed.

Brais teaches:

a camera for taking a picture (col. 12 lines 31-53);

a camera control means for controlling said camera to take picture when a first predetermined operation for changing from a first state to a second state is executed (col. 12 lines 41-50);

a microphone configured to recognize a voice (col. 10 lines 39-41);

a generating means for generating at least one of words or sentences corresponding to the recognized voice when said first predetermined operation is in said second state (col. 9 lines 18-30);

a memory means for storing said picture and said at least one of words or sentences as a file of said picture (col. 5 lines 28-29), aid at least one of words or sentences being stored at a predetermined position in the file of said picture (col. 6 lines 3-5, and col. 11 lines 15-35 and lines 42-44 and col. 13 lines 8-34).

Brais further teaches a digital camera (col. 7 lines 63). It will be recognized by those of skill in the art that the digital camera includes means for activating a still-picture viewing program in which a still picture is viewed in a window on a display of the digital

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camera in order to allow user to review and delete unwanted pictures, and thereby increasing available memory for taking picture(s).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the a camera control means, a microphone, a generating means and a memory means of Brais in the information transmission system of Shirai because such means would enable voice information and image information to be automatically assembled into a file, thereby increasing the system flexibility (Brais, col. 5 lines 17-20).

Regarding claim 11, Shirai-Brais teaches transmission information is an electronic mail (e.g., Shirai, page 2 paragraph 23).

Regarding claim 13, a method of claim 13 has a corresponding apparatus of claim 11; therefore, claim 13 is rejected under the same rationale as applied to claim 11.

Regarding claim 14, Shirai-Brais teaches transmission information is an electronic mail (e.g., Shirai, page 2 paragraph 23).

Regarding claim 16, a program storage medium for storing a program to be executed by an information transmission apparatus of claim 16 has a correspondent apparatus of claim 10; therefore, claim 16 is rejected under the same rationale as applied to claim 10.

Regarding claim 17, Shirai-Brais teaches transmission information is an electronic mail (e.g., Shirai, page 2 paragraph 23).

2. Claims 3, 6, 9, 12, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirai in view of Brais in further view of Watanabe et al. (Watanabe) (US 2003/0115277 A1).

Regarding claim 3, Shirai-Brais does not explicitly teach transmission information as claimed.

Watanabe teaches transmission information is created so that said at least one of words or sentences constitutes a text and picture information constitutes an attached file (e.g., see page 4 paragraph 70). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the transmission information of Watanabe in the process of generating transmission information of Shirai-Brais because such transmission information would allow an electronic mail with an image attached thereto to be transmitted so that exchange of images via electronic mail can be carried out easily and at low cost (Watanabe, page 1 paragraph 10).

Regarding claim 6, Shirai-Brais does not explicitly teach transmission information as claimed.

Watanabe teaches transmission information is created so that said at least one or words or sentences constitutes a text and picture information constitutes an attached file (e.g., see page 4 paragraph 70). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the transmission information of Watanabe in the process of generating transmission information of Shirai-Brais because such transmission information would allow an electronic mail with an image attached thereto to be transmitted so that exchange of images via electronic mail can be carried out easily and at low cost (Watanabe, page 1 paragraph 10).

Regarding claim 9, Shirai-Brais does not explicitly teach transmission information as claimed.

Watanabe teaches transmission information is created so that said at least one of words or sentences constitutes a text and picture information constitutes an attached file (e.g., see page 4 paragraph 70). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the transmission information of Watanabe in the process of generating transmission information of Shirai-Brais because such transmission information would allow an electronic mail with an image attached thereto to be transmitted so that exchange of images via electronic mail can be carried out easily and at low cost (Watanabe, page 1 paragraph 10).

Regarding claim 12, Shirai-Brais does not explicitly teach transmission information as claimed.

Watanabe teaches transmission information is created so that said at least one of words or sentences constitutes a text and picture information constitutes an attached file (e.g., see page 4 paragraph 70). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the transmission information of Watanabe in the process of generating transmission information of Shirai-Brais because such transmission information would allow an electronic mail with an image attached thereto to be transmitted so that exchange of images via electronic mail can be carried out easily and at low cost (Watanabe, page 1 paragraph 10).

Regarding claim 15, Shirai-Brais does not explicitly teach transmission information as claimed.

Watanabe teaches transmission information is created so that said at least one of words or sentences constitutes a text and picture information constitutes an attached file (e.g., see page 4 paragraph 70). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the transmission information of Watanabe in the process of generating transmission information of Shirai-Brais because such transmission information would allow an electronic mail with an image attached thereto to be transmitted so that exchange of images via electronic mail can be carried out easily and at low cost (Watanabe, page 1 paragraph 10).

Regarding claim 18, Shirai-Brais does not explicitly teach transmission information as claimed.

Watanabe teaches transmission information is created so that said at least one of words or sentences constitutes a text and picture information constitutes an attached file (e.g., see page 4 paragraph 70). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the transmission information of Watanabe in the process of generating transmission information of Shirai-Brais because such transmission information would allow an electronic mail with an image attached thereto to be transmitted so that exchange of images via electronic mail can be carried out easily and at low cost (Watanabe, page 1 paragraph 10).

Response to Arguments

3. Applicant's arguments filed 03/04/2005 have been fully considered but they are not persuasive.

In the remarks, applicants argued in substance that:

(A) Prior Art fails to teach, "wherein said transmission information is created when said predetermined file is selected in a batch operation".

As to point (A), Shirai does teach wherein said transmission information is created when said predetermined file is selected in a batch operation (i.e., when the file to be attached is selected, an attached file is automatically generated on the basis of the selected files) [page 4 paragraph 76 and page 6 paragraph 116]

(B) Prior Art fail to teach a memory means for storing said picture and said at least one of words or sentences as a file of said picture, said at least one of words or sentences being stored at a predetermined position in the file of said picture.

As to point (B), Brais does teaches a memory means for storing said picture and said at least one of words or sentences as a file of said picture, said at least one of words or sentences being stored at a predetermined position in the file of said picture (i.e., the text and digitized images are inserted in chronological order into a word processing document and saved as a file) [col. 5 lines 28-29 and 65-67, and col. 11 lines 42-44]

As a result, the cited prior art does disclose picture-information transmission apparatus and method as broadly claimed by the applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
April 4, 2005


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER